

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JORGE NELSON

v.

DONALD T. VAUGHN, et al.

: CIVIL ACTION

:

:

:

: NO. 02-4776

**ORDER**

AND NOW, this            day of April, 2004, it appearing that:

- a. Plaintiff filed a petition for *habeas corpus* under 28 U.S.C. § 2254 on July 18, 2002, at which time he submitted a filing fee of \$5.
- b. By Memorandum and Order of March 23, 2004, the court approved and adopted the Report and Recommendation of Magistrate Judge Carol Sandra Moore Wells and denied plaintiff's *habeas* petition.
- c. On April 6, 2004, plaintiff filed a timely notice of appeal and has requested leave to proceed *in forma pauperis* on appeal.

It is therefore **ORDERED** that upon careful review of the affidavit in support of plaintiff's petition for leave to proceed *in forma pauperis* on appeal, plaintiff's petition is **DENIED**:

1. Petitioner had \$390.24 in his prison account on March 31, 2004; his inmate account balance was not under \$164 for the six months preceding, and was as high as \$1,396.
2. His prison account shows deposits, probably representing prison employment, and personal gifts, presumably from family members (\$500 and \$1,000).
3. His prison account shows numerous withdrawals as personal gifts, charitable contributions, purchase of a Sony television set, and cable TV service.
4. His prison account shows a \$500 withdrawal to a savings account at Wachovia Bank, although the account is not listed in his affidavit.
5. The district court is of the opinion that plaintiff can afford to pay the fees on appeal.

---

J.



